

## **REMARKS**

Applicant respectfully requests reconsideration of this application as amended.

Claims 13-25 and 28-67 are pending in the application. Claims 35-59 are allowed.

Claims 13, 21, 60 and 63 have been amended. No claims have been cancelled. No claims have been added. It is respectfully submitted that no new matter has been introduced by this amendment.

## **Drawings**

Replacement figures 1, 3, and 4 containing Applicant's amendments are attached as requested in the Office Action (2/23/2006).

## **Objections**

Claims 63, 66 and 67 are objected to as being dependent upon rejected base claim 60. Claim 63 depends from claim 62 which depends from claim 61 which depends from claim 60. Applicant respectfully submits that the distinguishing limitation in claim 63 as referenced in the Office Action appears to be independent of the limitations in claims 61 and 62 (see page 10, Office Action 2/23/06). Claim 60 is currently amended to include only the distinguishing limitation in claim 63 as referenced in the Office Action. If Applicant has misunderstood the Office Action, Applicant kindly asks for the Examiner's comments so Applicant can consider making any necessary amendments to claim 60 for allowance.

**Claims 13-16, 21-25, 28-30, and 60-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomar et al. (US 6804248).**

### **Independent claim 13**

Independent claim 13 contains the limitation "....a first number of the line cards in said slots are to be coupled to customer premise equipment to form TDM access rings,

a second number of the line cards in said slots are to be coupled to network elements to form collector rings, and wherein the first number is larger than the second number.”  
(Emphasis added)

The limitation amended to independent claim 13 is inspired by the allowable limitations in claims 35 and 47. Tomar at least fails to disclose the limitation of having a first number of the line cards in slots that are to be coupled to customer premise equipment to form TDM access rings to be greater than a second number of the line cards in slots that are to be coupled to network elements to form collector rings. As such, Applicant submits that Tomar fails to anticipate each and every element of the claim and respectfully requests withdrawal of the claim rejection.

#### Independent claim 21

Independent claim 21 contains the limitation “... a plurality of line cards, wherein optical fiber from two different rings is directly coupled to said network element through one or more of said plurality of line cards, wherein one of said rings includes other network elements which are coupled to customer premise equipment by TDM access rings of which that customer premise equipment is a part.” (Emphasis added).

Applicant respectfully submits that claim 21 is not anticipated by Tomar because Applicant claims “... other network elements which are coupled to customer premise equipment by TDM Access rings of which that customer premise equipment is a part.” Figure 4 of Tomar shows TMO switch 455 coupled to an access loop (TMO switches 440, 445, and 450) and an IOF ring (TMO switches 460, 465, and 470). Although Figure 4 shows that the customer premise equipment (400, 405, 410, 415, 420, 425, 430, and 435) is connected to the network elements (TMO switches 440, 445, and 450), none of the customer premise equipment is a part of a ring with any network element. In contrast, Applicant specifically claims the customer premise equipment is “coupled to customer premise equipment by TDM access rings of which that customer premise ring is a part.”

As such, Applicant submits that Tomar fails to anticipate each element of claim 21 and respectfully requests the withdrawal of the claim rejection.

Independent claim 60

Independent claim 60 contains the limitation “...wherein the sum of the bandwidth of the plurality of TDM access rings in the first network element is greater than the bandwidth of the first TDM collector ring.” (Emphasis added).

Amended claim 60 incorporates the distinguishing limitation as referenced in objected claim 63 as discussed above. Tomar fails to anticipate the limitation where “the sum of the bandwidth of the plurality of TDM access rings in the first network element is greater than the bandwidth of the first TDM collector ring.” As such, Applicant respectfully submits that the amended claim 60 is not anticipated by Tomar and respectfully requests the withdrawal of the claim rejection.

**Claims 17-20, 31-34, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomar in view of Elliot et al. (US 6587470).**

Claims 17-20, 31-34, 64 and 65 are dependent on amended independent claims 13, 21 and 60. For at least this reason, Applicant respectfully submits that the rejection has been overcome.

CONCLUSION

Applicant respectfully submits that the application and the claims as they currently stand are in condition for allowance.

*Invitation for a telephone interview*

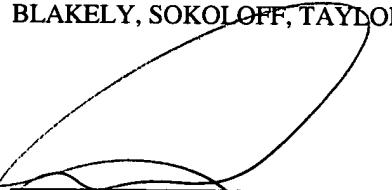
The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

*Charge our Deposit Account*

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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